PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Hashem Mohammad Ebrahimi	Examiner: Carl Colin
Serial No.:	09/484,691	Group Art Unit: 2136
Filed:	January 18, 2000	Docket: 1565.035US1
Title:	BROKERING STATE INFORMATION AND IDENTITY AMONG USER AGENTS, ORIGIN SERVERS, AND PROXIES	

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Examiner's Answer mailed <u>April 12, 2007</u> and also the Supplemental Answer mailed <u>June 8, 2007</u>, please see the remarks below:

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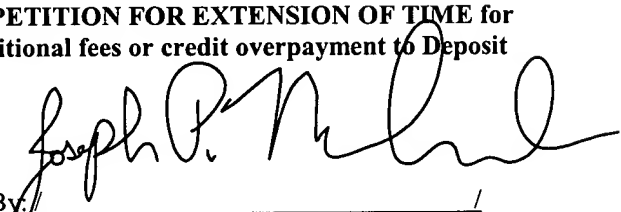
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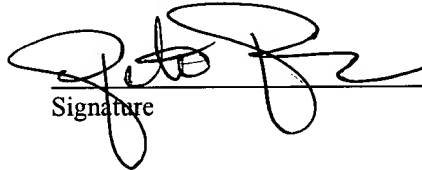SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Name   Peter Ribuffoni   Signature

REMARKS

The Examiner, via the Answer and then the subsequent Supplemental Answer, disagrees with the Appellant's view of the Makarios reference and continues to disagree as to whether the references are properly combinable in the first instance.

In this answer, Appellant wishes to re-emphasize and focus on the combinability of the Makarios and Green references, which was raised in the initial Appeal Brief by the Appellant and again addressed in the Examiner's two Answers.

Specifically, the Board of Appeals in a recent issued Opinion of *Ex Parte Green*, Appeal No. 10/005,583, decided on June 12, 2007 (the date of that this Reply is being filed) issued some guidelines for determining when obviousness is appropriate and references combinable. The Board held, *inter alia*, that the question of whether references are combinable or modifiable in the manner proposed by the Examiner turns on whether one or ordinary skill in the art having common sense at the time of the invention would have been motivated to employ the proposed combination. *See page 13 of Ex Parte Green.*

The Board also cited KSR Int'l Co. v. Telefex Inc., 127 S. Ct. 1727 (2007) to emphasize the distortion caused by arguments that rely on *ex post* reasoning made by the Examiner. The Court was further cited in support of the Board's holding that common sense dictates the applicability of combining or modifying references in proposed combinations cited and relied upon by the Examiner in an obviousness rejection.

In the instant case, the Makarios reference (as previously provided by the Appellant) discloses techniques for customizing web viewing for a user by means of a proxy that includes presentation attributes from a particular user that is independent of any particular service that user may access over the Internet. In Makarios, a client browser houses a cookie for a proxy, the proxy processes requests by the client to Internet services and access the cookie before forwarding the requests to the services. The cookie identifies the client to the proxy and permits the proxy to customize the experience of the client with the Internet services, even if the client has never interacted with the Internet services. *See*, Makarios, col. 4 lines 30-48.

The Green reference (again as previously provided by the Appellant) is directed to techniques for auditing and validating connections between applications. To do this, Green looks

at connected applications engaged in communications with one another and validates them against access lists. If a connection is not permissible, the connection is terminated. If a connection is permissible, it is re-established using a transparent process as an intermediary. Green asserts to provide improved firewall security.

So, the Makarios reference is geared towards using cookies via client-proxy exchanges to customize the presentation and layout of an information within a browser of a user (the browser processes on the client); the information obtained from an external web site. In this way, a user experiences personalized presentations, which are achieved independent of the external web site via interactions with the proxy. However, Green is directed to security between a client and an external web site that the client interacts with.

By definition a proxy is an intermediary; thus just because two references with proxy implementations are being asserted does not mean it would be common sense by one or ordinary skill in the art to combine them in the manner proposed by the Examiner.

Specifically, the Examiner relies on the security aspects (authentication mechanism) of Green to be combined with Makarios for purposes of rendering Appellant's claims obvious. The Makarios reference does not address or discuss authentication in any manner. The purpose of Makarios is not authentication but rather to personalizing user presentations of information rendered from external web sites via cookie exchanges with a proxy.

Appellant's independent claims positively recite using a policy module by a transparent proxy to authenticate a client to the transparent proxy and to origin servers. The authentication technique used in the Green reference is very specific and it uses the protocol transport layer to achieve authentication. As one example, the Board's attention is directed to Green column 10 lines 28-47, where X.500 Bind operations are used to house and process authentication information for the sessions.

Also, the authentication used in Green is also not to authenticate a client to the proxy; rather the proxy authenticates the client and an external server with one another for purposes of secure sessions with one another.

So, the authentication of a client to a transparent proxy is still missing in the proposed combination asserted by the Examiner. The only way to get this inherently into the proposed combination is via improper hindsight by looking at the language or Appellant's claims.

Furthermore, the Green reference very specifically relies on a protocol implementation of authentication; it does not use a policy module within a same environment as the proxy. This makes sense because Green is facilitating authentication between a client and a server so it interrogates authentication information from connection information being sent between the client and server to one another via protocol packets. Green could not address a wide variety of servers and client combinations if it housed or had access to all the permutations of authentication credentials. So, Green does not do this at all; Green relies on intercepting this information between the parties on an as needed basis. Conversely, Appellant's have clients that authenticate to the transparent proxy and this authentication is good to communicate with other origin servers. Here, the policy module is in the environment of the transparent proxy, which makes sense because the client is really authenticating to the transparent proxy to get access to the origin server, so the transparent proxy retains or has available the policy module that permits this authentication.

Appellant asserts it would not make common sense for one of ordinary skill in the art to combine a reference addressing customized presentation of information with a reference addressing a very specific authentication technique to authenticate a client and an external server with one another via interrogation of protocol packets. One operates at a high level using cookies to customize presentations and one operates at a much lower level of abstraction to achieve authentication between a client and a server. Moreover, neither of the references provides a teaching to authenticate a client to a proxy and neither provides a teaching where the information used for authentication, namely the policy module, resides within an environment of the proxy.

Therefore, Appellant continues to assert that the references lack express or inherent teachings of all the limitations in the rejected claims and that the references do not make sense to combine in the first instance. Accordingly, Appellant's respectfully request that the rejections of record be withdrawn and the claims allowed.

CONCLUSION

Appellant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
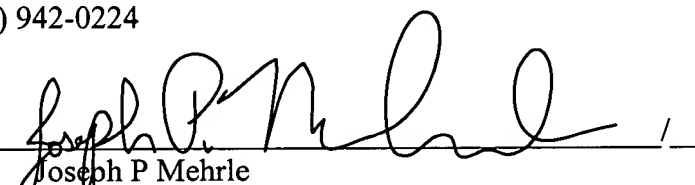
Respectfully submitted,

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_____   _____
Name   Signature